

MEMO ENDORSED

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April 23, 2021

BY ECF AND FEDEX

Honorable William H. Pauley III
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

**Re: *United States v. Joseph Bailey*
19 Cr. 412 (WHP)**

Dear Judge Pauley:

We represent the defendant, Joseph Bailey, in the above-captioned matter. We write to respectfully request a 90-day adjournment of Mr. Bailey's surrender date because he recently suffered a heart attack and will require specialized medical care for the next few months.

As the Court is aware, Mr. Bailey was sentenced on December 22, 2020 to six months imprisonment to be followed by three years of supervised release. Mr. Bailey is scheduled to surrender to the Bureau of Prisons' custody on May 6, 2021, and is currently on pre-trial release with travel restricted to the Southern and Eastern Districts of New York, and the District of New Jersey.

Mr. Bailey suffered a heart attack on March 25, 2021. After complaining of shortness of breath earlier in the day, Mr. Bailey collapsed at his home. By the time paramedics arrived, Mr. Bailey was unresponsive and did not have a pulse. The paramedics shocked Mr. Bailey with a defibrillator and he regained responsiveness. Mr. Bailey was rushed to Maimonides Hospital where two stents were inserted into his blocked arteries.

As the Court is aware, Mr. Bailey has a prior history of heart disease, specifically atrial fibrillation (an irregular heartbeat). According to Mr. Bailey's cardiologist, his history of atrial fibrillation combined with his recent heart attack make him susceptible to further cardiac incidents, such as ventricular tachycardia, which can be fatal. As such, Mr. Bailey will require extensive follow-up care and cardiac monitoring in the coming months. In addition, Mr. Bailey is now required to wear an external defibrillator (known as a LifeVest), which continuously monitors his heart-rate and can deliver an automatic shock to Mr. Bailey's heart in the event of a life-threatening arrhythmia. Mr. Bailey will be required to wear this device for several months.

Thereafter, Mr. Bailey's doctors will determine whether he will require the surgical insertion of an implantable cardiac defibrillator.

The specialized follow-up care that Mr. Bailey will require cannot be adequately provided while in prison. In addition, we are concerned that the Federal Prison Camp at Otisville, at which Mr. Bailey is currently designated to serve his sentence, may be unable to accommodate a prisoner wearing a large external medical device with electronic components.

Finally, Mr. Bailey is not yet vaccinated against the COVID-19 virus and has been advised by his doctor not to be vaccinated at this time out of concern that his heart may not be able to tolerate the reaction caused by the vaccine. While Mr. Bailey was previously infected with the virus and recovered, a reinfection may be more dangerous in light of Mr. Bailey's current weakened state. An adjournment will allow Mr. Bailey an opportunity to recover adequately so that he can be vaccinated against the COVID-19 virus prior to his surrender.

For the reasons set forth above, we respectfully request that the Court grant Mr. Bailey's request for adjournment of his surrender date. We are advised by Assistant United States Attorney Dina McLeod that the Government does not object to this request.

Respectfully,



Michael Sardar

Application granted. Mr. Bailey's surrender date is adjourned to August 5, 2021.

SO ORDERED:


WILLIAM H. PAULEY III
U.S.D.J.

April 23, 2021